

REMARKS

Claims 1-3, 5-14, and 21-27 are currently pending in the application. Claims 1, 9 and 25 are independent. No new matter has been added by the amendments. Applicants respectfully request reconsideration of the present application.

Rejection of Claims 1-3 and 7-8

Claims 1-3 and 7-8 stand rejected as being unpatentable over Singkornrat (US 6,128,484) in view of Jung (U.S. Patent No. 6,041,225). Applicant respectfully disagrees.

With respect to claim 1, claim 1 is patentable over Singkornrat in view of Jung because neither Singkornrat nor Jung, considered alone or in combination, disclose all of the features of claim 1. As the Office correctly noted, at the least, Singkornrat fails to disclose “a display driver coupled between said computer display device and said monitor wireless transceiver, wherein said display driver is configured to translate data between the monitor wireless transceiver and the computer display device,” as is required by claim 1. The Office contends that this feature of claim 1 is disclosed in the Jung patent and that it would have been obvious to one skilled in the art to combine the two prior art references. This contention is without merit.

Contrary to the Office’s contention, the Jung patent does not teach or suggest a “display driver configured to translate data between the monitor wireless transceiver and the computer display device,” as is required by claim 1. The Jung patent teaches a display driver, but the display driver does not translate data; it merely consists of a video amplifier. Indeed, there is no mention of the act of translation in the entire patent. Thus, the Office Action fails to establish a *prima facie* case of obviousness because the prior art cited does not teach or suggest all of the features of claim 1. Applicant, therefore, respectfully requests that the rejection of claim 1, and claims 2-3 and 7-8, which depend from claim 1, be withdrawn.

Rejection of Claim 9-11, 21-23

Claims 9-11, and 21-23 stand rejected as being obvious over Singkornrat in view of Schindler (US 5,867,223). Applicant respectfully disagrees.

With respect to claim 9, claim 9 has been rejected under §103(a) as obvious. The Office has not established a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, the Office must establish the following three elements:

[F]irst, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

MPEP §2143.

Because the Office Action failed to establish the existence of at least two of these criteria, rejection of claim 9 under §103(a) is improper.

First, the prior art cited does not teach or suggest all the claim limitations of the rejected claims. The Office correctly states that Singkornrat “fails to teach a unique address for wireless communication.” The Office incorrectly contends, however, that Schindler makes up for the deficient teachings of Singkornrat.

Schindler does not teach or suggest a “wireless communication [that] includes... said unique address [of the computer main unit],” as is required by claim 9. Instead, Schindler simply discloses a system having a plurality of wireless headphones and speakers. Each headphone/speaker is tuned to a unique RF transmitter, which broadcasts at a particular frequency and is uniquely addressable, so that audio data can be selectively transmitted to only one of the headphones/speakers. However, the headphones/speakers do not have a transmitter for transmitting data to a computer main unit. Accordingly, by definition, the headphones/speakers are incapable of “transmitting a wireless communication to [a] computer wireless transceiver, wherein said wireless communication includes data and said unique address [of the computer main unit],” as is recited in claim 9. In other words, the data flow to the headphones is unidirectional whereas claim 9 requires a bi-directional data flow.

Accordingly, Shindler does not teach or suggest a “wireless communication that includes the unique address [of the computer main unit],” as is required by claim 9. For this reason alone, the rejection of claim 9 should be withdrawn.

Second, assuming, *arguendo*, that Singkornrat and Schindler considered in combination do teach or suggest all the elements of claim 9, a §103(a) rejection is still unwarranted because the Office has failed to show a suggestion or motivation in the prior art to combine the teachings of the two patents. See MPEP §2143.01. Instead the Office simply contends that Schindler contains the element missing from Singkornrat (a contention which, as noted above, is incorrect) and that it would therefore be obvious to combine the two references to get all of the elements of claim 9. This, however, cannot be a basis for rejection of a claim under §103(a) because “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.” MPEP §2143.01 (emphasis in original). Thus, because the Office has provided no evidence that the prior art suggests the desirability of combining Singkornrat and Schindler to result in all the elements of claim 9, the rejection of claim 9 is improper.

In sum, the Office has failed to make a *prima facie* case of obviousness with respect to claim 9 because neither Singkornrat nor Schindler, considered alone or in combination, teach or suggest all the claim limitations. Additionally, there is also no evidence offered that the combination of the Singkornrat and Schindler patents was suggested or motivated by the prior art references.

Applicant, therefore, respectfully requests that the rejections of claim 9 and claims 10-11 and 21-23, which depend from claim 9, be withdrawn.

Rejection of claims 25-26

Claims 25-26 stand rejected as being unpatentable over Riazi (US 6,748,005) in view of Jung (U.S. Patent. No. 6,041,225). Applicant respectfully traverses.

With regard to claim 25, claim 25 is patentable over Riazi in view of Jung because neither Riazi nor Jung, considered alone or in combination, disclose all of the elements of claim 25. As the Office correctly noted, at the least, Riazi fails to disclose a “data translation

means coupled between said computer display device and said monitor wireless transceiver, for translating data between the monitor wireless transceiver and the computer monitor device,” as is required by claim 25. The Office Action contends that this feature of claim 25 is disclosed in the Jung patent and that it would have been obvious to one skilled in the art to combine the two prior art references. As was noted in discussion relating to the rejection of claim 1, *supra*, the Jung patent does not teach or suggest such a data translation means; it teaches only a display driver consisting of a video amplifier.

Because neither Riazi nor Jung, considered alone or in combination, teach or suggest all of the features of claim 25, Applicant respectfully requests that the rejections of claim 25 and claim 26, which depends from claim 25, be withdrawn.

Rejection of Claim 5-6

Claims 5-6 depend from claim 1, and, therefore, are patentable for at least the reason given above with respect to claim 1.

Rejection of Claims 12-13, 14 and 24

These claims depend from claim 9, and, therefore, are patentable for at least the reason given above with respect to claim 9.


Rejection of Claim 27

Claim 27 depends from claim 25, and, therefore, is patentable for at least the reason given above with respect to claim 25.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections, and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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